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Resolution adopted by the Human Rights Council on 23 March 2016

31/9. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolution 25/17 of 28 March 2014,

Recalling also all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and resolution 1997/44 of 11 April 1997, and the report on economic and social policy and its impact on violence against women submitted by the Special Rapporteur on violence against women, its causes and consequences pursuant to that resolution,[1]

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,[2] and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

[1] E/CN.4/2000/68/Add.5.
[2] A/CONF.165/14.

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Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[3] in which the Assembly acknowledged, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Welcoming also the decision by the General Assembly, in its resolution 66/203 of 22 December 2011, to convene a United Nations Conference on Housing and Sustainable Urban Development (Habitat III), to be held in Quito in October 2016, to reinvigorate the global commitment to and support for housing and sustainable urban development and the implementation of the New Urban Agenda,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change,

Expressing deep concern at the number and scale of natural disasters, and in this regard welcoming the adoption of the Sendai Framework for Disaster Risk Reduction 2015-2030,[4]

Noting with interest the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the Global Housing Strategy of the United Nations Human Settlements Programme, the principles on housing and property restitution for refugees and displaced persons,[5] the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[6]

Concerned that the right to adequate housing is not realized for many throughout the world, and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States and the international community, in accordance with existing international human rights standards,

Deeply concerned that homelessness disproportionately affects women and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure

[3] General Assembly resolution 70/1.
[4] General Assembly resolution 69/283, annexes I and II.
[5] E/CN.4/Sub.2/2005/17, annex.
[6] A/HRC/25/54.

insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that homelessness is caused by the interplay of individual circumstances and broader systemic factors, and that fulfilling the right to adequate housing as a component of the right to an adequate standard of living requires developing and implementing long-term and human rights-based multisectoral policies and strategies that are gender-responsive and simultaneously address discrimination, marginalization, social exclusion and housing deprivation,

Recognizing also that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recognizing further the need to promote, protect and strengthen a variety of tenure forms, in particular by mainstreaming human rights into national urbanization policies and rural development and planning, including in housing and slum upgrading, land management and land administration policies, and to ensure social integration, with the full participation of all relevant stakeholders,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges with appreciation* in particular the report on homelessness of the Special Rapporteur;[7]

3. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including target 11.1, which outlines the objective of ensuring access for all to adequate, safe and affordable housing and basic services and upgrading slums, and in this context urges States to adopt, in consultation with relevant stakeholders, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

4. *Also calls upon* States to give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the negotiation process and the implementation of the outcome document of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and the New Urban Agenda;

5. *Further calls upon* States to take all measures necessary to eliminate legislation that criminalizes homelessness and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

[7] A/HRC/31/54.

6. *Calls upon* States to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-responsive and based on international human rights law;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all assistance necessary to the Special Rapporteur for the effective fulfilment of his or her mandate;

8. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(*a*) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(*b*) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

9. *Decides* to continue its consideration of this matter under the same agenda item.

62nd meeting
23 March 2016

[Adopted without a vote.]